



IN THE DISTRICT COURT OF TULSA COUNTY, OKLAHOMA

DORIS YOUNG,

Plaintiff,

vs.

HOME DEPOT, U.S.A., INC, a/k/a THE
HOME DEPOT, a foreign for-profit
Corporation,

Defendant.

CJ-2022-00077

Case No:

Judge:

WILLIAM MUSSEMAN**JURY TRIAL DEMANDED****ATTORNEY LIEN CLAIMED****DISTRICT COURT
FILED**

JAN - 7 2022

PETITIONDON NEWBERRY, Court Clerk
STATE OF OKLAHOMA, TULSA COUNTY

COMES NOW Plaintiff, Doris Young, by and through her attorneys of record, W. Chad McLain and Rachel E. Gusman of the law firm GRAVES MCLAIN PLLC and for her cause of action against the Defendant, Home Depot U.S.A., Inc., a/k/a The Home Depot, alleges and states as follows:

I. PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Doris Young ("Plaintiff") is now, and at all times relevant to this action has been, a resident of Tulsa County, Oklahoma.

2. On information and belief, Defendant Home Depot, U.S.A. a/k/a The Home Depot ("Defendant") is now, and at all times relevant to this action has been, a foreign for-profit corporation that owns and operates multiple retail stores in the State of Oklahoma, including, but not limited to the store located at 901 South Elgin Avenue in Tulsa, Oklahoma ("Elgin Store").

3. The events and circumstances giving rise to Plaintiff's claims occurred in Tulsa County, Oklahoma.

4. This Court has jurisdiction over the subject matter of this claim, personal jurisdiction over the parties, and venue is properly lodged with this Court.

II. OPERATIVE FACTS

5. On September 30, 2020, Plaintiff was an invitee at Defendant's Elgin Store.

6. As Plaintiff entered the ladies restroom, her foot caught on the door's threshold and she fell to the ground, fracturing her left hip.

7. On information and belief, Defendant knew, or should have known, the threshold lacked proper hardware to bridge a gap between the metal door sill plate and the unevenly tiled bathroom flooring, and negligently failed to make the proper inspections, repairs, and/or warnings, thereby creating a dangerous and hidden trip hazard at eye level view for Plaintiff.

8. On information and belief, rather than install the proper hardware to the threshold, Defendant recklessly and wantonly applied caulking to the gap that blackened, camouflaging the uneven surfaces and gap at eye-level view and further concealing the dangerous and hidden trip hazard to Plaintiff.

9. As a direct and proximate cause of the negligent, reckless, and wanton acts and omissions of Defendant, Plaintiff suffered personal injury and damages including, but not limited to, bodily injury, past and future physical and mental pain and suffering, temporary and permanent disability, disfigurement, and medical bills.

III. CAUSE OF ACTION **(Negligence)**

10. Plaintiff re-pleads paragraphs 1 through 9 as though fully set forth herein.

11. Defendant had a duty to inspection, repair and/or maintain its premises in a reasonably safe manner to ensure its walkways were safe for use by invitees, such as Plaintiff.

12. On information and belief, Defendant knew, or should have known, the threshold lacked proper hardware to bridge a gap between the metal door sill plate and the unevenly tiled

bathroom flooring, and negligently failed to make the proper inspections, repairs, and/or warnings, thereby creating a dangerous and hidden trip hazard at eye level view for Plaintiff.

13. On information and belief, rather than install the proper hardware to the threshold, Defendant recklessly and wantonly applied caulking to the gap that blackened, camouflaging the uneven surfaces and gap at eye-level view and further concealing the dangerous and hidden trip hazard to Plaintiff.

14. As a direct and proximate cause of the negligent, reckless, and wanton acts and omissions of Defendant, Plaintiff suffered personal injury and damages including, but not limited to, bodily injury, past and future physical and mental pain and suffering, temporary and permanent disability, disfigurement, and medical bills.

WHEREFORE, Plaintiff Doris Young, prays for judgment against Defendant Home Depot U.S.A., Inc. a/k/a The Home Depot; for an award of damages in an amount in excess of \$75,000.00; for an award of punitive damages in an amount in excess of \$75,000.00; and for interest, costs, attorneys' fees, and for all such other relief the Court deems fair and equitable.

Respectfully submitted,

By: 

~~W. Chad McLain, OBA #19349~~
Rachel E. Gusman, OBA #22161
GRAVES MCLAIN PLLC
4137 S Harvard Ave Ste F
Tulsa OK 74135
Phone: (918) 359-6600
Fax: (918) 359-6605

ATTORNEYS FOR PLAINTIFF DORIS YOUNG



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HOME DEPOT, U. HOME DEPOT, U.S.A.,
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DISTRICT COURT
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JAN 19 2022

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

AFFIDAVIT OF SERVICE

This is to certify that on the 14th day of January 2022, Defendant Home Depot, U.S.A., Inc., a/k/a The Home Depot, was served with the Petition and Summons at the address shown below by US Certified Mail. A copy of the Summons and signed return receipt is attached hereto as Ex. A.

Defendant

Home Depot, U.S.A., Inc., a/k/a
The Home Depot

Address Where Served

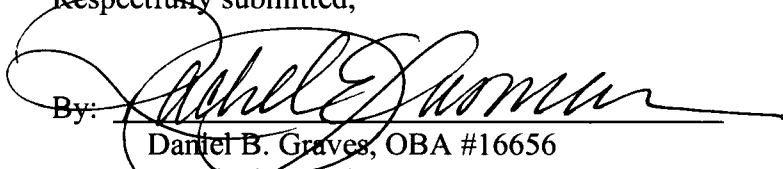
c/o Corporation Service
Company
10300 Greenbriar Place
Oklahoma City, OK 73159

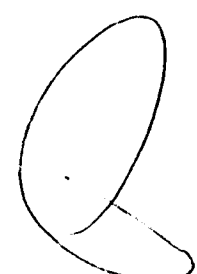
Date Served

01/14/2022

Respectfully submitted,

By:


Daniel B. Graves, OBA #16656
W. Chad McLain, OBA #19349
Rachel E. Gusman, OBA #22161
Tiffany L. Landry, OBA #33402
Melissa E. Oxford, OBA #30287
GRAVES MCLAIN PLLC
4137 S Harvard Ave Ste F
Tulsa OK 74135
Phone: (918) 359-6600
Fax: (918) 359-6605



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Judge: **WILLIAM MUSSEMAN**

SUMMONS

To the above-named Defendant: Home Depot, U.S.A., Inc., a/k/a The Home Depot
c/o Corporation Service Company
10300 Greenbriar Place
Oklahoma City, OK 73159

You have been sued by the above-named Plaintiff, and you are directed to file a written answer to the attached Petition with the Court at the above address within twenty (20) days after service of this Summons upon you exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the Plaintiff. **Unless you answer the Petition within the time stated, judgment will be rendered against you with costs of the action.**

Issued this 7th day of Jan, 2022.

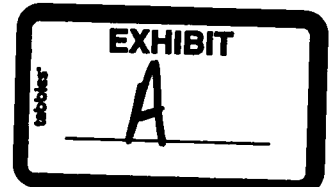
DON NEWBERRY
TULSA COUNTY COURT CLERK

(Seal)

By: Lindsay Duke
Deputy Court Clerk

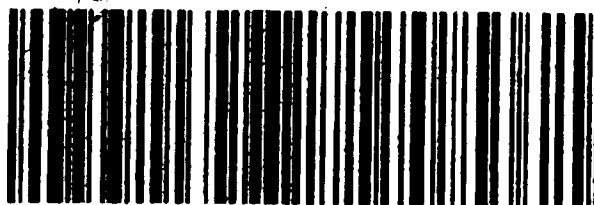
GRAVES MCLAIN PLLC
4137 S Harvard Ave Ste F
Tulsa OK 74135
Phone: (918) 359-6600
Fax: (918) 359-6605
ATTORNEYS FOR PLAINTIFF

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THIS SUMMONS.



Graves McLain
4137 S. Harvard Ave. Suite F
Tulsa OK 74135

PS Form 3800 6/02

CERTIFIED MAIL

9414 7116 9900 0554 8509 58

COMPLETE THIS SECTION ON DELIVERYA. Signature ☒ Addressee ☐ Agent

X

B. Received By (Please Print Clearly)

G. Parish

C. Date of Delivery

JAN 14 2022

D. Addressee's Address (If Different From Address Used by Sender)

Secondary Address / Suite / Apt. / Floor (Please Print Clearly)

Delivery Address

City

State

ZIP + 4 Code

RETURN RECEIPT REQUESTED

Article Addressed To:

Home Depot, USA., Inc., a/k/a The Home Depot
c/o Corporation Service Company
10300 Greenbriar Place
Oklahoma City OK 73159-7653

UNITED STATES POSTAL SERVICE

OKLAHOMA CITY OK 730

14 JAN 2022 PM 5 L

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO:

RECEIVED

JAN 18 2022

Graves McLain
4137 S. Harvard Ave. Suite F
Tulsa OK 74135

PS Form 3811, 2/2004

PS Form 3811, 2/2004